

No. 1377/I-L/SYL/III. —Whereas the declaration under section 6 of the Land Acquisition Act, 1894, in respect of the land specified below has been made and published in *Haryana Government Gazette*,— vide Notification No. 1376/I-L/SYL/III, dated 3rd December, 1976.

Now, therefore, in exercise of powers under section 7 of the Land Acquisition Act, 1894, the Governor of Haryana hereby directs the Land Acquisition Collector, Public Works Department, Irrigation Branch, Ambala City, to take over order for the acquisition of the said land.

### SPECIFICATIONS

District	Tehsil	Village	Area in acres	Hadbast No.	Locality	
					A plot measuring 14.62 acres on left side of Kurukshetra Dand Road opposite Kilometre 4.800 as shown on the index plan and demarcated at site falling in field No. as per detail below.	
					Rectangle	Field Numbers
Kurukshetra	Thanesar	Mirzapur	14.62	384	21	10, 11, 20, 21
					22	6, 7, 8/1, 13, 14, 15, 16, 17, 18, 23, 24/1, 24/2, 25

R. S. MEHRA,

Superintending Engineer,  
Sutlej Yamuna Link Circle No. III,  
Karnal.

### LABOUR DEPARTMENT

The 26th November, 1976

No. 8941-4Lab-76/32712.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Hindustan National Glass and Industries Ltd., Bahadurgarh (Rohtak).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Application No. 1 of 1972 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI NARAIN SINGH, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN  
NATIONAL GLASS & INDUSTRIES LTD., BAHADURGARH (ROHTAK)

### AWARD

It is conceded at all hands that no reference under section 10 of the Industrial Disputes Act was pending on 3rd March, 1972, when this complaint under section 33-A of the Industrial Disputes Act praying for reinstatement was filed. It is, thus, obvious that this complaint is un-maintainable on the ground that

no reference relating to the applicant as a concerned workman was admittedly pending on 3rd March, 1972, the date of the complaint. I, thus, dismiss the complaint as unmaintainable under section 33-A of the Industrial Disputes Act, 1947.

Dated the 23rd August, 1976

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1971, dated the 25th August, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under sub-section (4) of section 33(c) of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 9609-4Lab-76/32714.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Agricultural Marketing Committee, Jhajjar, and Agricultural Marketing Board, Chandigarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK.

Reference No. 82 of 1974

*between*

SHRI RAJENDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S AGRICULTURAL  
MARKETING COMMITTEE, JHAJJAR, AND AGRICULTURAL MARKETING BOARD,  
CHANDIGARH

#### AWARD

By order No. ID/RK/288-A-74/36150-58, dated 31st October, 1974, of the Governor of Haryana, the following dispute between the management of M/s Agricultural Marketing Committee, Jhajjar, and Marketing Board, Chandigarh, and its workman Shri Rajender Singh, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Rajender Singh was justified and in order? If not, to what relief is he entitled?”

The workman and Agricultural Marketing Committee, Jhajjar, put in their appearance in this court in response to the usual notices of reference sent to them and filed their pleadings. The Agricultural Marketing Board, Chandigarh, however, absented themselves despite being duly served with notice of this reference with the result that *ex parte* proceedings were taken up against them on 5th December, 1975, and the following issues were framed on pleas of the parties present:—

- (1) Whether the Agricultural Marketing Committee, Jhajjar, is a juristic or statutory body liable to be impleaded as a party in the reference?
- (2) Whether the termination of services of Shri Rajender Singh was justified and in order? If not, to what relief is he entitled?

I have heard the learned authorised representatives for the parties and seen the record. I decide the issues as under:—

#### Issue No. 1

It was conceded by Shri R. P. Dahiya, authorised representative for the management, that Agricultural Marketing Committee, Jhajjar, was a corporate body under the provisions of the Punjab Agricultural Produce Markets Act, 1961, and had thus been rightly impleaded as a party concern in the reference. I, therefore, decide this issue in favour of the workman.

## Issue No. 2

It would be interesting to note that whereas the management justified the termination of services of the workman during the period of his temporary employment with effect from 28th August, 1971, they set up an entirely new case at the stage of evidence that his services were retrenched in compliance with directions received from Haryana State Agricultural Marketing Board, in view of the fact that he was the junior most on the list of the employees of the Marketing Committee, Shri Randhir Singh, Assistant Secretary, Market Committee, Farukh Nagar, the only witness examined as M. W. 1 by the management of Marketing Committee, Jhajjar, deposed that he was Secretary, Marketing Committee, Jhajjar, during the period from 18th August, 1972 to 19th October, 1972 and that Shri Rajinder Singh workman was appointed,— vide letter, dated 5th May, 1971, copy Exhibit M. 1 of Marketing Committee, Bahadurgarh, principal yard governing the Jhajjar Marketing Committee, a submarket yard. He stated that a circular letter had been received by all Marketing Committees in the State of Haryana from Agricultural Marketing Board, Chandigarh, directing them not to engage staff in excess of the prescribed strength sanctioned for the year 1972-73 and that in case of deviation from these instructions the appointment of the employees in excess of the sanctioned strength shall not be approved and the Marketing Committee concerned shall be personally responsible to make payment of wages of such employees. He added that Marketing Committee, Jhajjar, had thus to retrench the services of Shri Rajender Singh in pursuance of the circular letter as he was the junior most.

He admitted that he could say if Rajender Singh was the seniormost amongst the three Auction Recorders S/Shri Rajender Singh, Mukhtiar Singh and Satvir Singh. He admitted that no *inter se* seniority list was framed in respect of the employees of Marketing Committee, Jhajjar, before the retrenchment of Shri Rajender Singh. He admitted that he did not know if Shri Rajender Singh was the seniormost Auction Recorder amongst the Auction Recorders of all the Committees. He admitted that one Narinder was appointed as action Recorder one month after the termination of services of Shri Rajender Singh. He admitted that no retrenchment compensation or notice pay was paid to Shri Rajender Singh at the time of his retrenchment.

It would, thus, appear from the broad admissions made by Shri Randhir Singh that the mandatory provisions of section 25-F of the Industrial Disputes Act relating to the essential requirement of retrenchment compensation and notice pay to the workman at the time of his retrenchment remained uncomplied with. Even otherwise it remained unestablished that Shri Rajender Singh was the juniormost on the list of employees of the Marketing Committee, Jhajjar, at the time of his retrenchment. It had, thus, to be conceded by Shri R. P. Dahiya, authorised representative of the management that the retrenchment of the workman effected by the Marketing Committee, Jhajjar, with effect from 6th October, 1972, is illegal.

On an application made by the management for permission to amend the written statement so as to be able to take a plea in respect of the employment of the workman with some other concern after the date of his retrenchment, the later voluntarily made a statement admitting that he remained employed as a learner in Delhi Transport Corporation, Mayapuri Depot, New Delhi, since 26th February, 1975, on wages of Rs 100 per mensem and this statement was admitted as correct by Shri Kedar Nath, Secretary and Shri R. P. Dahiya, authorised representative for Marketing Committee, Jhajjar.

In view of my findings that termination of services of the workman by way of retrenchment with effect from 6th October, 1972, was unjustified, he is obviously entitled to reinstatement with continuity of service and full back wages from that date. The management shall, however, be entitled to deduct the amount received by the workman from Delhi Transport Corporation, Mayapuri Depot, New Delhi, at Rs. 100 per mensem during the period from 26th February, 1975, till the date of his leaving their service, from the back wages payable to him.

I hold accordingly and answer the reference while returning the award in these terms.

Dated the 23rd August, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1026, dated 23rd September, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.